

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CHARLES A. PEARSON, #182691,

Plaintiff,

V.

K. L. BYRD, et al.,

Defendants.

CASE NO. 2:06-CV-828-CSC

ORDER

This cause is presently set for a jury trial on June 23, 2008, at 10:00 a.m. in courtroom 4B, United States Courthouse Complex, One Church Street, Montgomery, Alabama. On February 26, 2008, the plaintiff, a state inmate, filed a motion to submit subpoenas (Court Doc. No. 65) in which he identifies potential witnesses and seeks issuance of subpoenas on such individuals. On March 19, 2008, the plaintiff filed a supplement to this motion (Court Doc. No. 67) identifying the expected testimony for several of the listed witnesses. Upon consideration of the motion to submit subpoenas, as supplemented, and for good cause, it is

ORDERED that this motion be and is hereby GRANTED to the extent allowed by this order.¹ The Clerk of this court is hereby DIRECTED to issue subpoenas to the

¹Although Pearson sought an additional subpoena for Ms. Betty M. Boswell, the court does not deem it appropriate to issue a subpoena on this individual. Specifically, Pearson fails to provide the expected testimony of this witness. Moreover, it is clear that any testimony which could be provided by Ms. Boswell would merely be cumulative to that of other witnesses for which subpoenas have been issued.

following for the above described jury trial:

Dr. Marcial J. Mendez
320 N. Ripley Street
Montgomery, Alabama 36130

Michael White
636 Mildred Street
Montgomery, Alabama 36104

Desmond Payne
539 S. Holt Street
Montgomery, Alabama 36104

Terry Howard
P.O. Box 162
Hope Hull, Alabama 36043

Dorothy Howard
P.O. Box 162
Hope Hull, Alabama 36043

Terry Williams
627 Bullock Street
Montgomery, Alabama 36104

Billy Smith
207 Montgomery Street- Suite No. 222
Montgomery, Alabama 36104

Douglas C. Freeman
5281 Vaughn Road
Montgomery, Alabama 36116

On the subpoena, the Clerk shall inform the witness that the subpoena need not be obeyed if the requisite fees are not tendered with the subpoena. It is further ORDERED that the

United States Marshal execute and serve the necessary process herein cited above.²

Done this 21st day of March, 2008.

/s/ Charles S. Coody
CHARLES S. COODY
CHIEF UNITED STATES MAGISTRATE JUDGE

²As noted in the court's December 4, 2007 Order (Court Doc. No. 54 at 2), "[w]hether the witness is subpoenaed by a pauper or not, Rule 45(c), requires that [the] subpoena must be accompanied by an attendance fee (\$40 per day), a subsistence fee (\$99 per day) if overnight stay is required, and actual expenses of common carrier or mileage ([48.5 cents] per mile each way), or it need not be obeyed. The witness will be so informed by the subpoena. It is the responsibility of the party requesting the subpoena to provide that money to the clerk's office for tender with the subpoena."